



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 2008-99  
16 February 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 SER N130G/0U0041 of 27 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

7220

Ser N130G/0U0041

27 JAN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTIONS  
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) Public Law 100-180

Encl: (1) BCNR Case File #02008-99 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for reinstatement to pay grade E6 vice E5 upon the petitioner's transfer to the Fleet Reserve on 13 JUN 60.
3. Reference (a), enacted 4 DEC 87 (now codified in 10 U.S.C. 6334), provides for advancement on the retired list to the highest grade in which a member served on active duty satisfactorily as determined by the Secretary of the Navy. Reference (a) applies only to members who retired or transferred to the Fleet Reserve after 4 December 1987.
4. Since the petitioner transferred to the Fleet Reserve prior to 4 DEC 87, he is ineligible for advancement to a higher grade. N130G recommends disapproval of the petitioner's request for reinstatement to pay grade E6 upon his transfer to the Fleet Reserve on 13 JUN 60. The office of Legal Counsel (Pers-00L3) concurs in this conclusion.

[REDACTED]  
Head, Retired, Reserve and  
Medical Pay Section (N130G)